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JIANQ CHYUN Intellectual Property Office
7F.-1, No. 100, Roosevelt Rd.
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In re Application of:
Chih-Wei Hung
Serial No.: 10/064,095
Filed: June 11, 2002
Attorney Docket No.: 9068-US-PA

DECISION ON PETITION TO
WITHDRAW THE HOLDING
OF ABANDONMENT

This is a decision on the petition to withdraw the holding of abandonment under 37 C.F.R. § 1.181 filed on September 2, 2003. There is no fee for this petition.

The petition is **GRANTED**.

A Notice of Abandonment was mailed on July 26, 2003 holding the application to be abandoned for failure to timely file a response to the Office action (a restriction requirement) mailed on October 8, 2002.

Petitioner asserts that a response (an election) to the Office action of April 26, 2002 was timely filed via facsimile transmission on October 22, 2002. The evidence provided by the petitioner includes a facsimile transmission report and a copy of the response. The report indicates that the facsimile transmission was sent to (703) 308-7722 which was a telephone number associated with one of the facsimile machines in the old mail room of Technology Center 2800. The report also includes most of the cover page of the response, indicates that the transmission was OK and that the transmission was sent on 10/22. The cover page of the response on the report does not include the Serial No. of the application but it does include the Attorney's Docket No. which corresponds to the Attorney's Docket No. associated with the present application.

In this instance, the petition is being granted based upon the totality of the evidence submitted by the petitioner. However, in the future, applicant is strongly urged to utilize a certificate of mailing or transmission in accordance with 37 C.F.R. § 1.8 with any response sent to the USPTO and to follow the steps set forth in 37 C.F.R. § 1.8(b) if the response is misplaced by the USPTO.

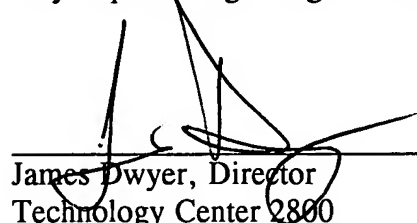
The Notice of Abandonment mailed July 26, 2003 is **VACATED**.

The application is being forwarded to the Technical Support Staff of Technology Center 2800 for

entry of the response sent with the petition. The application will then be forwarded to the examiner for consideration of the response and appropriate action in due course.

The present petition was also apparently sent in to the USPTO via facsimile transmission on August 26, 2003. However, there is no reason to consider the actual date of receipt of that facsimile transmission since the petition clearly received by the USPTO on September 2, 2003 would be timely under the provisions of 37 C.F.R. § 1.181(f).

Any inquiries regarding this decision should be directed to Edward Westin at (571) 272-1638.



James Dwyer, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components